

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 09-02687 JF (PR)

ORDER OF DISMISSAL

(Docket No. 2)

Defendants.

On June 17, 2009, Plaintiff, a state prisoner, filed the instant civil rights action pursuant to 42 U.S.C. § 1983. On the same day, the clerk of the Court sent a notification to Plaintiff that his complaint was deficient because Plaintiff did not pay the filing fee or file In Forma Pauperis Application. The Court notes that the application filed on the same day is deficient because it is an outdated form and Plaintiff failed to submit a Certificate of Funds in Prisoner's Account and a copy of his prisoner trust account statement showing transactions for the last six months. (Docket No. 2.) The notification included the warning that the case would be dismissed if Plaintiff failed to respond within thirty days. The deadline has since passed, and Plaintiff has not paid the filing fee nor filed a completed in forma

1 pauperis application. Accordingly, this case is DISMISSED without prejudice for
2 failure to pay the filing fee.

3 The Clerk shall terminate any pending motions and close the file.

4 IT IS SO ORDERED.

5 DATED: 10/2/09

6 
JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICKEY L ALFORD,
Plaintiff,

Case Number: CV09-02687 JF

CERTIFICATE OF SERVICE

v.

RODNEY MCELVAINE,
Defendant.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/8/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rickey Louis Alford J39242
CA State Prison-Los Angeles County
PO Box 4670
Lancaster, CA 93539

Dated: 10/8/09

Richard W. Wieking, Clerk